

November 1, 2005

November First

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The regular November Meeting of City Council was held on the above date at 7:00 p.m. in the Council Chambers located on the Fourth Floor of the Municipal Building. The following Council Members were present: Ruby B. Archie, P. A. "Pete" Castiglione, Jr., E. Stokes Daniels, Jr., Mayor John C. Hamlin, T. David Luther, T. Wayne Oakes, Sherman M. Saunders, H. Phillip Smith and Vice-Mayor R. Wayne Williams, Jr. (9).

Administrative Staff Members present were: City Manager Jerry L. Gwaltney, Deputy City Manager M. Lyle Lacy, III, Assistant City Manager for Utilities Joseph C. King, Finance Director Barbara A. Dameron, City Attorney W. Clarke Whitfield, Jr., and Clerk of the Council Annette Y. Crane, CMC.

Other Staff members present were Multi-Media Design Manager Mark Aron, Economic Development Director Ron Bunch, Human Services Director Gwendolyn Edwards, Community Development Director Jerry Fischer, Planning Director Ken Gillie, Management Analyst David Parrish and Human Resources Director Andrea Witt.

Mayor Hamlin presided.

#### **INVOCATION AND PLEDGE OF ALLEGIANCE**

Council Member Pete Castiglione offered the Invocation. The Pledge of Allegiance to the Flag followed.

#### **ANNOUNCEMENTS AND SPECIAL RECOGNITION**

Mayor Hamlin recognized Dr. William E. Beavers, III, Chairman of the Danville-Pittsylvania Community Services Board of Directors. Dr. Beavers was present to give the Annual Report of the organization. He reported that during Fiscal Year 2005, the agency served 3,727 individuals in the Mental Health, Mental Retardation, and Substance Abuse Service Programs. The 3,727 represents an increase of 10% over last year. Dr. Beavers reported that another 6,727 individuals were involved in the agency's prevention programs.

Dr. Beavers advised the agency now had over 200 employees and an operating budget of approximately \$12 million, most of which is reinvested into the local economy.

Dr. Beavers, on behalf of the Board of Directors, thanked local, state, and federal elected officials for their ongoing support and stated the Board appreciated the advocacy groups' efforts in helping to keep the public eye on the needs of those with a mental illness or mental retardation and those working to recover from a substance use problem.

November 1, 2005

Mayor Hamlin thanked Dr. Beavers for his work with the agency and for bringing the annual report to Council.

Council Members Archie, Castiglione, and Saunders commended the organization for the great work they do for all citizens of Danville in need of their services.

Mr. Saunders expressed appreciation to Executive Director Lenard Lackey, who has the reputation as one of the best directors in the State.

#### **MINUTES**

Upon Motion by Council Member Daniels and second by Council Member Saunders, Minutes of the October 18, 2005 Council Meeting and Minutes of the Council Work Session held on October 18, 2005 were approved as presented. Draft copies had been submitted to Council Members prior to the Meeting.

#### **REAPPOINT SHERMAN SAUNDERS TO DRHA BOARD OF COMMISSIONERS**

Vice-Mayor Williams moved adoption of a Resolution entitled:

RESOLUTION NO. 2005-11.01

A RESOLUTION REAPPOINTING SHERMAN M. SAUNDERS AS A MEMBER OF THE DANVILLE REDEVELOPMENT AND HOUSING AUTHORITY BOARD OF TRUSTEES.

The Motion was seconded by Council Member Smith and adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes, Saunders, Smith, and Williams (9)  
NAY: None (0).

#### **REAPPOINT C. G. HAIRSTON TO THE INDUSTRIAL DEVELOPMENT AUTHORITY**

Vice-Mayor Williams moved adoption of a Resolution entitled:

RESOLUTION NO. 2005-11.02

A RESOLUTION REAPPOINTING C. G. HAIRSTON AS A MEMBER OF THE INDUSTRIAL DEVELOPMENT AUTHORITY.

The Motion was seconded by Oakes and adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes, Saunders, Smith, and Williams (9)  
NAY: None (0).

November 1, 2005

**APPOINT LONDON R. WYATT TO THE INDUSTRIAL DEVELOPMENT AUTHORITY**

Vice-Mayor Williams moved adoption of a Resolution entitled:

RESOLUTION NO. 2005-11.03

A RESOLUTION APPOINTING LONDON R. WYATT, JR. AS A MEMBER OF THE INDUSTRIAL DEVELOPMENT AUTHORITY.

The Motion was seconded by Saunders and adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes,  
Saunders, Smith, and Williams (9)  
NAY: None (0).

**HEARING - SPECIAL USE PERMIT AT 301 CRAGHEAD STREET**

Mayor Hamlin opened the floor for a Public Hearing to consider granting a Special Use Permit for a residential dwelling on the upper floors while a non-residential use occupies the first floor at 301 Craghead Street. Notice of the Public Hearing had been duly published in the Danville Register and Bee on October 18 and 25, 2005. No one present desired to be heard and the Public Hearing was closed.

Council Member Saunders moved adoption of an Ordinance entitled:

ORDINANCE NO. 2005-11.01

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO ALLOW FOR A RESIDENTIAL DWELLING ON THE UPPER FLOORS WHILE A NON-RESIDENTIAL USE OCCUPIES THE FIRST FLOOR AT 301 CRAGHEAD STREET.

The Motion was seconded by Council Member Archie and adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes,  
Saunders, Smith, and Williams (9)  
NAY: None (0).

**HEARING - REZONE 0.32 ACRE ON WILBORNE AVENUE**

Mayor Hamlin opened the floor for a Public Hearing to consider rezoning from M-R to HR-C on property located on Wilborne Avenue. Notice of the Public Hearing had been duly published in the Danville Register and Bee on October 18 and 25, 2005. No one present desired to be heard and the Public Hearing was closed.

Council Member Daniels moved adoption of an Ordinance entitled:

ORDINANCE NO. 2005-11.02

November 1, 2005

AN ORDINANCE REZONING FROM M-R MULTIFAMILY RESIDENTIAL DISTRICT TO HR-C HIGHWAY RETAIL COMMERCIAL DISTRICT, APPROXIMATELY 0.32 ACRE ON WILBORNE AVENUE.

The Motion was seconded by Council Member Oakes and adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes, Saunders, Smith, and Williams (9)  
NAY: None (0).

**HEARING - VACATE RIGHT-OF-WAY-WESTOVER DRIVE & GODFREY STREET**

Mayor Hamlin opened the floor for a Public Hearing to consider vacating surplus right-of-way at Westover Drive and the intersection of Piedmont Drive and Westover Drive and a portion of surplus right-of-way for Godfrey Street. Notice of the Public Hearing had been duly published in the Danville Register and Bee on October 18 and 25, 2005. No one present desired to be heard and the Public Hearing was closed.

Council Member Castiglione moved adoption of an Ordinance entitled:

ORDINANCE NO. 2005-11.03

AN ORDINANCE VACATING SURPLUS RIGHT-OF-WAY ON THE EAST AND WEST SIDES OF PIEDMONT DRIVE, SOUTH OF THE INTERSECTION OF PIEDMONT DRIVE AND WESTOVER DRIVE AND A PORTION OF SURPLUS RIGHT-OF-WAY FOR GODFREY STREET.

The Motion was seconded by Vice-Mayor Williams and adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes, Saunders, Smith, and Williams (9)  
NAY: None (0).

**HEARING - VACATE & SELL RIGHT-OF-WAY PIEDMONT DRIVE**

Mayor Hamlin opened the floor for a Public Hearing to consider vacating and selling surplus right-of-way on the east side of Piedmont Drive. Notice of the Public Hearing had been duly published in the Danville Register and Bee on October 18 and 25, 2005. No one present desired to be heard and the Public Hearing was closed.

Council Member Archie moved adoption of an Ordinance entitled:

ORDINANCE NO. 2005-11.03

November 1, 2005

AN ORDINANCE VACATING AND SELLING SURPLUS RIGHT-OF-WAY ON THE EAST SIDE OF PIEDMONT DRIVE BETWEEN WESTOVER DRIVE AND RIVERSIDE DRIVE.

The Motion was seconded by Council Member Smith and adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes, Saunders, Smith, and Williams (9)  
NAY: None (0).

**CHANGE NAME OF GRANT STREET EXTENSION TO NEW HOPE WAY**

Council Member Smith moved adoption of an Ordinance entitled:

ORDINANCE NO. 2005-11.05

AN ORDINANCE CHANGING THE NAME OF GRANT STREET EXTENSION TO NEW HOPE WAY.

Council Member Daniels seconded the Motion.

In response to Dr. Williams, Executive Director of the Housing Authority Daryl Dalton reported the HOPE VI Project was going very, very well. He said the 3-phase project was nearing the end of phase 2. Mr. Dalton reported that almost seventy-five (75) homes had been completed.

Mr. Dalton advised due to construction of homes in the area, Grant Street Extension now contained two cul-de-sacs and staff felt it was necessary to rename Grant Street Extension in order to allow easy access for E911 emergency purposes.

Mr. Dalton expressed his gratitude to Council Members and city staff for their support over the years. Mr. Dalton is leaving to take a similar position in Savannah, Georgia.

Dr. Williams commended Mr. Dalton for his efforts in bringing HOPE VI to fruition. He said he felt the project had not received the recognition it deserved, but felt it would as time goes on.

Mayor Hamlin said Mr. Dalton would be greatly missed by Council and city staff. He asked Mr. Dalton to keep Danville in his heart and to visit us whenever possible. He thanked Daryl for all he had done for the City of Danville.

The Ordinance was adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes, Saunders, Smith, and Williams (9)  
NAY: None (0).

November 1, 2005

**DESIGNATE FRIDAY AFTER THANKSGIVING DAY AS EMPLOYEE HOLIDAY**

Council Member Saunders moved adoption of an Ordinance entitled:

ORDINANCE NO. 2005-11.06

AN ORDINANCE AMENDING THE PERSONNEL SYSTEM OF THE CITY OF DANVILLE, AS AMENDED, PROVIDING FOR THE DESIGNATION OF THE FRIDAY AFTER THANKSGIVING DAY AS AN EMPLOYEE HOLIDAY.

Council Member Archie seconded the Motion.

In response to Council Member Luther, City Manager Gwaltney advised the number of holidays for City employees were less than the ten (10) localities contacted. He advised, that if he recalled correctly, all localities contacted listed the day after Thanksgiving Day as a holiday. Mr. Gwaltney said most of the localities did not give a birthday holiday, but gave another that the City did not, such as Veteran's Day. He said that with the day after Thanksgiving Day as an additional holiday, the City was still approximately one (1) day less than the others.

Council Member Daniels said he felt it was not the best approach for Council to decide what Danville would do based on what other cities did. Mr. Daniels said there were many people in Danville who would like to have a paycheck and job security. He said the City was in transition and many citizens were without full-time work. Mr. Daniels said with the 9½ days the employees now receive and to add the day after Thanksgiving Day as an additional holiday, it adds up to two workweeks of holidays.

Mr. Daniels said he was not totally against the extra holiday, but felt the timing was wrong. He felt government should be an example for the citizens it serves and actions of city government should fit the times.

Mayor Hamlin said the City's personnel were second to none and most went the extra mile. He said he realized Council chose not to give employees a salary increase this fiscal year and he appreciated finding another way to reward employees. Mayor Hamlin said he worked for a company that is primarily in the service business and it was a difficult issue for him to shut down for four days straight. He said there were certain sacrifices that should be made in order for the City to remain a world-class organization.

Vice-Mayor Williams said the Public Safety Departments, electrical workers, and trash collection services would continue to run on that day. He said the offices that would be closed are those that generally work with federal and state offices and those offices are closed on the Friday after Thanksgiving. He felt City employees would not be able to accomplish very much with those offices closed.

November 1, 2005

Dr. Williams felt that employees deserved the day off since there was no salary increase this year and felt it was a small token of appreciation for their hard work. He said the City, even with the additional holiday, had fewer holidays than the localities contacted. He felt the City remained in the forefront of being responsible to taxpayers and, at the same time, rewarding employees for their hard work.

Council Member Oakes said neighbors had spoken with him today and told him it was about time Danville had the holiday.

The Ordinance was adopted by the following vote:

VOTE: 7-2  
AYE: Archie, Castiglione, Luther, Oakes, Saunders, Smith,  
and Williams (7)  
NAY: Daniels and Hamlin (2).

### **COMMUNICATIONS**

City Manager Gwaltney called attention to the financial report that had been placed at the desk of each Council Member. He said the figures looked good compared to the last report and were moving in the direction as expected from the budget standpoint. He said Meals Taxes were received today and were doing very well.

Mr. Gwaltney called attention to a booklet containing the leaves collection schedule that had also been distributed for Council's review.

The City Manager announced a joint work session dinner meeting between Council and Department Directors to review the Capital Improvements Plan had been scheduled for Wednesday, November 16, 5:30 p.m. at the Senior Citizen's Center.

Mr. Luther announced he would be out of the city on that date and Mr. Gwaltney agreed to meet with him separately to review the plan.

There were no communications from the Deputy City Manager, City Attorney, and City Clerk.

### **ROLL CALL**

Council Member Archie reported she was proud to have been a part of the Grand Opening of the Regional Center for Technology and Training (ARCATT). Mrs. Archie said it meant an additional facility for training in technology and would provide the workforce a means for training and subsequently acquiring jobs. She said she constantly heard the cry of not enough jobs in Danville and the training facility should help to alleviate those concerns.

November 1, 2005

Mrs. Archie extended sympathy to the family of Dave Macpherson. Mr. Macpherson was killed in an auto race mishap on October 29 in New Hampshire.

Council Member Castiglione expressed appreciation to the area's legislators who were active in getting the ARCATT to Danville. He commended the Virginia Community College System and DCC President Dr. Ramsey and all who participated in the project.

Mr. Castiglione extended sympathy to the families of Dave Macpherson and Dr. Jim Nevin. Dr. Nevin, a longtime Danville surgeon, passed away on Sunday, October 30. He said Danville had lost two great leaders.

Mr. Castiglione asked the citizens of Danville to educate themselves about the possibility of a one-half cent increase in the local sales tax. Mr. Castiglione had made such a proposal during the October 18 Work Session.

Council Member Daniels said not everyone was excited about paying the government more money. He said he believed citizens did get excited when they saw government interested and concerned about how money is spent and if their government was using good stewardship. He said citizens would step up to the plate when it was felt the money was needed. Mr. Daniels said citizens would know when Council was doing a good job. It would be seen by the actions of Council.

Mayor Hamlin said the ARCATT grand opening represented a wonderful day and he expressed his pleasure at being a part of the activities.

Mayor Hamlin said there was very few weeks that he did not meet face-to-face with Dave Macpherson somewhere in the City. He said Dave would always inquire about what was being done for Danville and what he could do to help. He expressed sympathy to Dave's family and friends and said he would be greatly missed.

Council Member Luther, referring to the financial report that had been distributed to Council Members, said in looking at the operating revenues for period ended September 30, 2005 for utilities, the City took in \$5.6 million more than it did last year because the rates were increased. However, the amount the City got to keep went down by almost \$1 million because the City had to pay more for what was being sold.

Mr. Luther said he had encouraged customers to use the equal pay plan for utilities. He said the concern was since rates had increased, some of those already on equal pay would have a large amount to make up for at the end of the equal pay year.

City Manager Gwaltney said if there were any concerns among citizens about that, they should contact Customer Service and have the equal pay adjusted now. Customer Service staff members can help take care of that adjustment at any time.



November 1, 2005

Council Member Oakes said the ARCATT opening was a very significant event for the region.

Council Members Saunders said thank you to all City employees for the sacrifices they have made and said he wanted them to know how much they are appreciated.

Mr. Saunders offered congratulations to DCC on the opening of the ARCATT facility. He congratulated Daryl Dalton on his new position and thanked him for his service to Danville.

Mr. Saunders offered sympathy to the family of Dave Macpherson stating that Dave would be very much missed by the people of Danville.

Council Member Smith acknowledged his appreciation to the employees of the City.

Mr. Smith reiterated there was a lot of dilapidated housing in the City and felt there should be a nuisance law in place for addressing these issues.

Mr. Smith asked City Manager Gwaltney to place on Cable Channel 20 information about billing so utility customers would be informed about the equal pay issue.

Vice-Mayor Williams said several significant events had taken place this week. He commented on the passing of Rosa Parks. Many believe Mrs. Parks started the nation's civil rights movement by refusing to give up her seat on a city bus to a white man in the 1950's.

Dr. Williams commented on the deaths of two prominent Danvillians, Dave Macpherson and Dr. Jim Nevin. He recounted some of the contributions of both and acknowledged they would be greatly missed.

Dr. Williams reminded everyone to vote in next Tuesday's elections and announced the Veteran's Day Parade would be held downtown on Sunday, November 6 beginning at 2:30 P.M. He encouraged everyone to come out to honor the city's war veterans.

#### **CLOSED MEETING**

At 7:50 P. M. Mayor Hamlin recognized Vice-Mayor Williams who moved that the meeting be recessed and that Council immediately convene in Closed Meeting for discussion of an economic development update concerning a prospective business where no previous announcement had been made as permitted by Subsection (A) (5) of Section 2.2-3711 of the Code of Virginia, 1950, as amended. The Motion was seconded by Council Member Castiglione and carried by the following vote:

VOTE: 9-0

November 1, 2005

AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes,  
Saunders, Smith, and Williams (9)  
NAY: None (0).

At 8:35 P.M. Vice-Mayor Williams moved that Council adopt the following Resolution.

**CERTIFICATE OF CLOSED MEETING**

WHEREAS, the Council convened in Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia, 1950, as amended, requires a Certification by the Council that such Closed Meeting was conducted in conformity with Virginia Law;

NOW, THEREFORE, BE IT RESOLVED that the Council hereby certifies that, to the best of each Member's knowledge, (i) only public business matters lawfully exempted by the open requirements of Virginia Law were discussed in the Closed Meeting to which this Certification Resolution applies, and (ii) only such public business matters as were identified in the Motion convening the Closed Meeting were heard, discussed, or considered by the Council.

The Motion was seconded by Council Member Oakes and carried by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Oakes,  
Saunders, Smith, and Williams (9)  
NAY: None (0).

The Meeting adjourned at 8:37 P.M.

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MAYOR

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CLERK